

State and Local Government in Louisiana: An Overview 2008-20012 Term

CHAPTER 1 — ORGANIZATION OF STATE GOVERNMENT

Part A. The Legislative Branch

Legislative Powers

The Louisiana Constitution establishes the legislative branch as one of the three coordinate branches of state government. Article III, Section 1(A) vests the legislative power of the state in the legislature, which consists of the Senate and the House of Representatives. The legislature is responsible for determining general policy for state government and the state's residents by the enactment of laws. The power to enact laws is subject to the substantive and procedural limitations of the federal and state constitutions. Oversight of the actions of the executive branch in administering state programs is another traditional legislative power. This power, closely related to lawmaking, is exercised to assure that legislative policy and intent are carried out. Review by legislative committees of administrative rules proposed by executive branch agencies is an important exercise of this authority. The legislature and its committees also have the power to gather information and make investigations needed to enact laws.

The executive branch of state government is responsible for the implementation of the constitution and laws. Even though the governor is the state's chief executive officer, he exercises powers which affect the legislature. He may call the legislature into special session. (Const. Art. III, §2) The constitution directs him, at the beginning of each regular session and at other times, to make reports and recommendations and to give information to the legislature concerning "the affairs of state, including its complete financial condition." It also requires that he submit to the legislature an operating budget and a capital budget for each fiscal year. Additionally, he may veto any bill or any item in an appropriation bill. (Const. Art. IV, §5) The legislature has constitutional power to override a veto by a two-thirds vote of the elected membership of each house. (Const. Art. III, §18) This power was exercised for the first time, at least since adoption of the 1921 Constitution, during the 1991 Regular Session (Act No. 26) and has been exercised only once since then. (Act No. 394 of the 1993 R.S.)

Continuous Body

The constitution provides that the legislature is a continuous body during the time for which its members are elected. (Const. Art. III, §1(B)) Thus, legislative rules continue to be effective even when the legislature is not in session, and standing committees of the legislature have authority to conduct studies and hearings during the interim between sessions.

Composition

The constitution limits the maximum number of senators to 39 and the maximum number of members of the House of Representatives to 105. (Const. Art. III, §3) Currently, both houses are composed of the maximum number of members. The distribution of representation in both houses is based on population in accordance with state constitutional mandate and U.S. Supreme Court decisions. The constitution requires single-member legislative districts; that is,

each of the 39 senators and each of the 105 members of the House of Representatives represent a separate district. (Const. Art. III, §1) The legislature is required to reapportion the representation in each house by the end of the year following the year in which the state's population is reported to the president of the United States for each decennial federal census, on the basis of total population shown by such census. (Const. Art. III, §6)

Terms and Vacancies

Legislators are elected for four-year terms. A 1995 constitutional amendment limits the number of consecutive terms a person may be elected to serve in each house of the legislature. The limitation provides that anyone who has been elected to serve more than two and one-half terms in three consecutive terms may not be elected to the succeeding term in the same house. (Const. Art. III, §4(E))

A legislative vacancy may be filled only for the remainder of the term during which it occurred and only by election of the voters of the district in which the vacancy occurred. (Const. Art. III, §4(D))

Officers

The officers of each house of the legislature are elected at the beginning of each term to serve for four-year terms. The House of Representatives elects from among its members a speaker and speaker pro tempore. It also elects its chief clerical officer, the clerk of the House, who is not a member. The Senate elects its presiding officer, the president of the Senate, from among its membership and also elects a president pro tempore from its membership. It selects its chief clerical officer, the secretary of the Senate, who is not a member of the Senate. The rules of the respective houses provide for such elections. (Const. Art. III, §7(C); R.S. 24:501 et seq.; House Rules 2.2 - 2.10)

Sessions of the Legislature

The legislature is required to convene in the state capital for regular annual sessions and may convene for extraordinary or special sessions and for veto sessions. Regular annual sessions in even-numbered years are general in nature and are limited to 60 legislative days within 85 calendar days. Regular annual sessions in odd-numbered years are limited to specified fiscal-related subjects and certain other legislation and to 45 legislative days within 60 calendar days. (Const. Art. III, §§2 and 18) The table on page 1A-4 summarizes constitutional provisions applicable to annual regular legislative sessions and discusses the differences between sessions in even-numbered years and those in odd-numbered years.

Organizational Sessions

The constitution also requires that an organizational session be convened in the state capitol on the day the members take office (the second Monday in January after the quadrennial election). Organization of the two houses, including selection of officers, is the major purpose of an organizational session. Resolutions and rules can be adopted but no matter intended to have the effect of law may be introduced. Such a session cannot exceed three legislative days. (Const. Art. III, §2(D))

Additional Information on the Legislature

As suggested by the title of this publication, this Part is not intended as a comprehensive review of legislative organization and procedure; rather, it provides an overview of the legislature. A

separate publication, *Orientation Guide for Louisiana House Members*, provides detailed information concerning the legislative branch.

The rules governing House procedure are contained in a body of rules officially adopted by the House of Representatives. These rules remain continuously in effect and are subject to amendment by the House as provided in the rules. They are published in a separate publication, *Rules of Order of the House of Representatives*. The rules, together with the state constitution, comprise the major primary sources for specific information about the powers and functions of the legislature and its officers, as well as legislative organization and procedure.

In addition to the publications discussed above, the *Quick Guide to Committee Procedure in the Louisiana House of Representatives* and *Quick Guide to Floor Procedure in the Louisiana House of Representatives* provide practical, detailed information about House procedure. They include examples of the actual language used in making motions and in other parliamentary practice.

Annual Regular Legislative Sessions ~ Key Constitutional Provisions

Provision	Regular Sessions Even-Numbered Years	Regular Sessions Odd-Numbered Years
When session convenes	Noon, last Monday in March	Noon, last Monday in April
Maximum session length	60 legislative days in 85 calendar days	45 legislative days in 60 calendar days
Subject matter limitations	Prohibition on introducing or enacting any measure levying or authorizing a new tax or a tax increase by the state or by a statewide political subdivision or legislating with regard to tax exemptions, exclusions, deductions, or credits	Prohibition on introduction or consideration of measure having effect of law (including suspension) unless its object is to enact a general appropriations bill; enact the comprehensive capital budget; make an appropriation; levy or authorize a new tax; increase an existing tax; levy, authorize, increase, decrease, or repeal a fee; dedicate revenue; legislate with regard to tax exemptions, exclusions, deductions, reductions, repeals, or credits; or legislate with regard to the issuance of bonds. Restrictions do not apply if: (1) The matter is prefiled by the prefiling deadline (this exception is limited to five such matters per member per session); or (2) The object of the matter is to enact a local or special law which is required to be and has been advertised in accordance with Const. Art. III, Sec. 13 and is not prohibited by Const. Art. III, Sec. 12
Number of bills member may introduce	Unlimited, except no more than five bills after prefiling deadline ¹	Unlimited, except no more than five bills after prefiling deadline ¹
Deadline for prefiling of bills (except constitutional amendments)	5 p.m. on the 10th calendar day prior to 1st day of session	5 p.m. on the 10th calendar day prior to 1st day of session
Deadline for bill introduction (except constitutional amendments)	6 p.m. of the 23rd calendar day; bill introduction after deadline not permitted	6 p.m. of the 10th calendar day; bill introduction after deadline not permitted
Deadline for constitutional amendments	Constitutional amendments must be prefiled at least 10 days before session; introduction during session not permitted	Constitutional amendments must be prefiled at least 10 days before session; introduction during session not permitted
Deadline for 3rd Reading / Final Passage	6 p.m. of 57th legislative day or 82nd calendar day, whichever occurs first (except by 2/3 vote of both houses)	6 p.m. of 42nd legislative day or 57th calendar day, whichever occurs first (except by 2/3 vote of both houses)
Time of adjournment sine die	6 p.m., if on 85th calendar day; midnight, if prior to 85th calendar day	6 p.m., if on 60th calendar day; midnight, if prior to 60th calendar day

¹ Joint Rule No. 18 provides that the following bills are not subject to five-bill limit: general appropriation bill; judicial branch appropriation; legislative branch appropriation; capital outlay bill; omnibus bond authorization bill; supplemental appropriations bill; revenue sharing bill; ancillary funds bill.